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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,131	04/16/2004	Shuichi Nakagawa	H6808.0053/P053	7996
24998	7590	02/16/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			NGUYEN, THONG Q	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2872	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/825,131

Applicant(s)

NAKAGAWA ET AL.

Examiner

Thong Q. Nguyen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3/2 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings contain six sheets of figs. 1-6 were received on 4/16/2004. These drawings are objected by the Examiner for the following reason(s).
3. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See present specification in pages 1 and 4. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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5. The disclosure is objected to because of the following informalities: a) page 1: lines 8-9, the description thereof "For the XY stage, rotary motors and feed screws are often used as actuators, as shown in Patent Document 1" is unclear. Which "Patent Document 1" does applicant imply here" b) The Summary of the invention is objected to because it refers to prior art (see page 2, lines 3-16). Should the two paragraphs provided information of the prior art thereof "In the XY stage disclosed in Patent Document 1, the...the X table 30" (page 2, lines 3-16) be removed to the section of Background of the Invention? c) In page 4, lines 19, 24-25 and 29 and page 5, line 3, the specification discloses the use of references such as "A 13" and "A 16" for the guide unit and the connecting member, respectively. However, such references are not shown in the figures. In fact, the applicant has used references "13" and "16" for the guide unit and connecting member, respectively (see figures 1-4). The examiner is of opinion that the term "A" in each mentioned references is not necessary, thus should the term "A" in each mentioned references be deleted. In case that applicant intends to maintain the mentioned terms then the drawings must be amended for the purpose of making a consistence in use of references in the specification and drawings; d) Page 5: line 17, "chamber in which a specific atmosphere or vacuum is maintained 18" should be changed to -- chamber 18 in which a specific atmosphere or vacuum is maintained--.

There are still some grammatical and idiomatic errors in the specification. Applicant should carefully proofread the specification. Appropriate correction is required.

***Claim Objections***

6. Claims 4-5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-5 have not been further treated on the merits.

7. Claim 1 is objected to because of the following informalities. Appropriate correction is required.

In claim 1: on line 11, the claim has referred to an element by "said third base".

Such use of the mentioned terms is not consistent to the use of the terms "third member" for the same element. See claim 1, line 9. Should "said third base" (line 11) be changed to –said third table—for the purpose of maintaining a consistence in the terms used?

***Allowable Subject Matter***

8. Claims 2 and 3/2 are allowed.

9. Claims 1 and 3/1 would be allowable if rewritten or amended to overcome the objection(s), set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter:

The two axis stage for microscopes as recited in each of independent claims 1 and 2 is patentable with respect to the cited art, in particular, the U.S. Patent Nos. 5,812,310 and 5,323,712 by the limitations related to the structure of the stage. In particular, while the use of a stage having three plates for supporting a

sample wherein two of the plates are movable in two mutually perpendicular directions is known (see Patent No. 5,812,310) and a stage having a X-direction movable plate with aperture wherein a connecting member attached to another plate movable in Y-direction passes through is known (see Patent No. 5,323,712, column 9 and figs. 11-12); however, the cited art does not disclose a stage having the following features as claimed in each of present claims 1 and 2: A first table movable in a first direction, a second table movable in a second direction perpendicular to the first direction wherein the second table supports the first table, a base supporting the second table, a drive mechanism for independently driving the first table and the second table, a third table disposed on the base which moves in the first direction by the drive mechanism for moving the first table; and a connecting member disposed on the third table and movable in the second direction which connecting member is connected to the first table

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. This application is in condition for allowance except for the following formal matters:

See the objections to the drawings, the specification and the claims as set forth in this Office action.

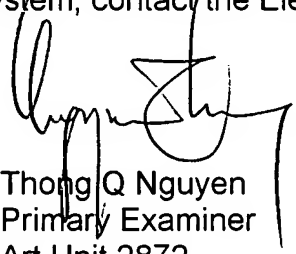
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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